Amendments to the Claims

Claims 1 - 27 were canceled. Claims 28 - 41 were previously presented. Please add new claims 42 and 43.

Listing of the Claims

Claims 1 - 27 (canceled)

- 28. (Previously presented) An apparatus for placement on a heart of a patient to treat a heart condition characterized at least in part by diastolic expansion of a size of the heart, the apparatus comprising:
 - (a) a flexible open cell material;
 - (i) said flexible open cell material being pre-formed in a cone-shaped jacket with a base and an apex;
 - (A) said base defining an opening sized to receive a heart;
 - (ii) said cone-shape jacket being sized and adapted to circumferentially surround a heart;
 - (A) said flexible open cell material being sufficiently flexible to move with expansion and contraction of a heart and such that force on one portion of a heart is transmitted circumferentially through the cone-shaped jacket to another portion of the heart.

29.	(Previously presented) An apparatus according to claim 28 wherein:		
	(a)	said material is elastic.	
30.		ously presented) An apparatus according to claim 28 wherein:	
	(a)	said jacket is sized to constrain diastolic expansion beyond a predetermined limit.	
31.	(Previously presented) An apparatus according to claim 28 wherein:		
	(a)	said material is formed in an open cell construction with a plurality of open cells defined by interconnected, elongated elements.	
32.	(Previ	ously presented) An apparatus according to claim 28 wherein:	
	(a)	said jacket is sized to be applied to the epicardium of the heart.	
33.	(Prev	iously presented) An apparatus according to claim 28 wherein:	
	(a)	said jacket is sized to be applied to the pericardium of the heart.	
34.	(Previously presented) An apparatus according to claim 28 wherein:		
	(a)	said jacket includes a shape memory material.	
35.	cond	(Previously presented) An apparatus for placement on a heart of a patient to treat a hear condition characterized at least in part by diastolic expansion of a size of the heart, the apparatus comprising:	
	(a)	a flexible open cell material;	

- (i) said flexible open cell material being pre-formed in a cone-shaped jacket with a base and an apex;
 - (A) said base defining an opening sized to receive a heart;
 - (B) said cone-shaped jacket being sized and adapted to surround at least a portion of a heart; and
 - (C) said flexible open cell material comprising an elastic material that moves with expansion and contraction of a heart.
- 36. (Previously presented) An apparatus according to claim 35 wherein:
 - (a) said cone-shape jacket is adapted to circumferentially surround a heart; and
 - (b) said elastic material is sufficiently flexible to move with expansion and contraction of a heart such that force on one portion of a heart is transmitted circumferentially through the cone-shaped jacket to another portion of the heart.
- 37. (Previously presented) An apparatus according to claim 35 wherein:
 - (a) said jacket is sized to be applied to the epicardium of the heart.
- 38. (Previously presented) An apparatus according to claim 35 wherein:
 - (a) said jacket is sized to be applied to the pericardium of the heart.
- 39. (Previously presented) An apparatus according to claim 35 wherein:
 - (a) said jacket includes a shape memory material.

- 40. (Previously presented) An apparatus according to claim 35 wherein:
 - (a) said flexible open cell material has a compliance lower than a compliance of a wall of the heart.
- 41. (Previously Presented) An apparatus according to claim 35 wherein:
 - (a) said jacket is sized to constrain diastolic expansion beyond a predetermined limit.
- 42. (New) An apparatus according to claim 28 wherein:
 - (a) said material is inelastic.
- 43. (New) An apparatus according to claim 28 wherein:
 - (a) said material has a compliance less than a compliance of a wall of the heart.